

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

BLUE CROSS AND BLUE SHIELD OF
VERMONT and THE VERMONT HEALTH
PLAN,

Plaintiffs,

v.

TEVA PHARMACEUTICAL INDUSTRIES,
LTD., TEVA PHARMACEUTICALS USA,
INC., TEVA SALES AND MARKETING,
INC., and TEVA NEUROSCIENCE, INC.,

Defendants.

Case No.: 5:22-cv-159

PLAINTIFFS' STIPULATED MOTION FOR EXTENSION OF TIME

Pursuant to Fed. R. Civ. P. 6(b)(1) and Local Rule 7, Plaintiffs request that the Court extend the deadlines for opposition and reply memoranda related to Defendants' pending motions to dismiss. Defendants have consented to this request.

1. On November 14, 2022, Defendants filed a Stipulated Motion requesting the Court to extend the page limits for Defendants' forthcoming motion to dismiss under Fed. R. Civ. P. 12(b)(6) to 70 pages for the briefs in support and in opposition and 40 pages for Defendants' reply brief. The Court granted the motion later that day. ECF Nos. 42, 43.

2. On December 21, 2022, Defendants filed a motion to dismiss under Rule 12(b)(6), comprising a brief of exactly 70 pages (ECF No. 49) and three appendices:

- Appendix A is a 7-page, single-spaced document entitled "Summary of State Statutes and Case Law Regarding Harmonization Between State and Federal Substantive Antitrust Law." ECF No. 49-1. It consists of 28 string cites, one for each state for which Plaintiffs allege antitrust violations;

- Appendix B is a 4-page table entitled “Summary of Grounds to Dismiss Plaintiffs’ State Law Claims,” ECF No. 49-2; and
- Appendix C is a 2-page table entitled “Summaries of Statutes of Limitations for State Law Claims,” ECF No. 49-3.

3. Defendant Teva Pharmaceutical Industries, Ltd. also filed a separate motion to dismiss for lack of personal jurisdiction under Rule 12(b)(2) on December 21, 2022.

4. Under the Local Rules, Plaintiffs have 30 days from December 21, 2022, or until January 20, 2023, to file oppositions to both motions, and Defendants have 14 days, or until February 3, 2023, to file their replies. Local Rule 7(a)(3)(A), 7(a)(5)(A).

5. In light of the complexity and number of issues raised in the motions to dismiss—which span over 100 pages of briefing (70-page Rule 12(b)(6) brief plus appendices plus 19-page Rule 12(b)(2) brief)—Plaintiffs requested that Defendants’ consent to extend Plaintiffs’ deadline to file their oppositions to the motions to February 17, 2023. Defendants consented to Plaintiffs’ request and in turn requested an extension of their deadline to file their replies to March 17, 2023. Plaintiffs consented to that request.

6. Plaintiffs therefore respectfully request that the Court extend the default briefing deadlines as follows:

- Extend the deadline for Plaintiffs’ oppositions to Defendants’ motions to dismiss to February 17, 2023;
- Extend the deadline for Defendants’ reply memoranda in support of their motions to dismiss to March 17, 2023.

LOCAL RULE 7(a)(7) CERTIFICATION

As required by Local Rule 7(a)(7), counsel for the parties conferred and reached agreement on these extension requests.

Dated: January 5, 2023

Respectfully submitted,

By: /s/ Michael Donofrio

Lynn Lincoln Sarko (*pro hac vice*)
Gretchen Freeman Cappio (*pro hac vice*)
Matthew M. Gerend (*pro hac vice*)
Natida Sribhibhadh (*pro hac vice*)
Sydney Read (*pro hac vice*)
KELLER ROHRBACK LLP
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Tel: (206) 623-1900
Fax: (206) 623-3384
lsarko@kellerrohrback.com
gcappio@kellerrohrback.com
mgerend@kellerrohrback.com
natidas@kellerrohrback.com
sread@kellerrohrback.com

Alison E. Chase (*pro hac vice*)
KELLER ROHRBACK L.L.P.
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Tel: (805) 456-1496
achase@kellerrohrback.com

Bridget Asay
Michael Donofrio
STRIS & MAHER LLP
15 East State Street, Suite 2
Montpelier, Vermont 05602
(802) 858-4285
(802) 858-4465
basay@stris.com
mdonofrio@stris.com

Elizabeth R. Brannen (*pro hac vice*)
STRIS & MAHER LLP
777 S. Figueroa St., Suite 3850
Los Angeles, CA 90017
(213) 995-6800
ebrannen@stris.com

Attorneys for Plaintiffs

IT IS SO ORDERED:

Date

Geoffrey W. Crawford
U.S. District Court Judge